

July 20, 2004 CPC



**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

04SN0283

JNB Company of Virginia, L.L.C.

**Clover Hill Magisterial District
North line of Hull Street Road**

REQUEST: Conditional Use to permit outside storage in a Community Business (C-3) District.

PROPOSED LAND USE:

Outside storage is proposed in conjunction with a permitted use, home and garden center. (Exhibit A)

RECOMMENDATION

Recommend approval for the following reason:

As conditioned, the use should not adversely impact area development.

- (NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.
- B. IT SHOULD BE NOTED THAT THE REVISED PROFFERED CONDITION WAS NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF

HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THE
REVISED PROFFERED CONDITION.)

PROFFERED CONDITION

Any outside storage permitted through this conditional use shall be located within the area shown on Exhibit A. The view of such area shall be minimized through the use of windscreen fabric or other similar material. The exact treatment shall be approved by the Planning Department. (P)

GENERAL INFORMATION

Location:

Off the north line of Hull Street Road, west of Winterpock Road. Tax ID 723-672-3645 (Sheet 15).

Existing Zoning:

C-3

Size:

6.0 acres

Existing Land Use:

Commercial

Adjacent Zoning and Land Use:

North – RTH and R-9; Single family residential and residential townhouse
South, East and West - C-3; Commercial

UTILITIES; ENVIRONMENTAL; AND PUBLIC FACILITIES

This amendment will have no impact on these facilities.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for community mixed use which includes a mixture of office and commercial developments and higher density residential uses.

Area Development Trends:

The request property is located within Winterpock Crossing Shopping Center. Surrounding properties to the south, east and west are zoned commercial and are occupied by commercial uses. Properties to the north are zoned residential and are occupied by single family residential and residential townhouse uses. It is anticipated that a mixture of commercial, office and higher density residential use may continue in this area in conformance with the Plan.

Zoning History:

The request property is part of a larger tract that was zoned Community Business (C-3) by the Board of Supervisors on November 27, 1991 (Case 91SN0271). Conditions of approval addressed architectural styles and materials, a maximum density for shopping center development or equivalent densities as approved by the Transportation Department, various vehicular and pedestrian access controls, road improvements, fire protection and erosion control.

The site was previously occupied by a plant nursery (Frank's Nursery). Because nurseries are generally outside uses, growing of plants, which is the use, is not considered outside storage. Outside storage for nurseries does include, but not limited to, the storage of fertilizer, mulch, lawn ornaments, pots, or other products that are manufactured or produced off-site. While the existing outside area shown on Exhibit A exceeds ten (10) percent of the gross floor area of the permitted use, it was used by Frank's Nursery mainly for plant growing and therefore did not require a conditional use.

Use:

Outside storage is permitted as a restricted use in Community Business (C-3) districts. The restrictions include: 1) the outside storage is accessory to a permitted use; 2) the outside storage is screened from view of any adjacent properties on which such uses are not permitted or do not exist, and from areas currently zoned Agricultural (A) and designated on the Comprehensive Plan for Residential (R), Agricultural (A), Office (O) or Light Industrial (I-1) uses and external public road rights of way; and 3) no more than ten (10) percent of the gross floor area of the principal use may be used for outdoor storage.

The applicant is requesting a Conditional Use to permit outside storage which will not meet the above restrictions. Outside storage is proposed as an accessory use to a permitted use, a home and garden center; however, the outside storage is proposed within the existing fenced in outside area (Exhibit A) that exceeds ten (10) percent of the gross floor area of the principal use. In addition, the outside storage area would not be screened in accordance with the restriction noted above. Instead, the Proffered Condition provides that view of the outside storage area will be minimized through the use of windscreen fabric or other similar material. Given that the existing fenced outside area (Exhibit A) is approximately 300 feet

from Harbour Lake Drive and is separated from adjacent properties outside of the shopping center by a seventy-five (75) foot buffer, view of any outside storage should be minimal.

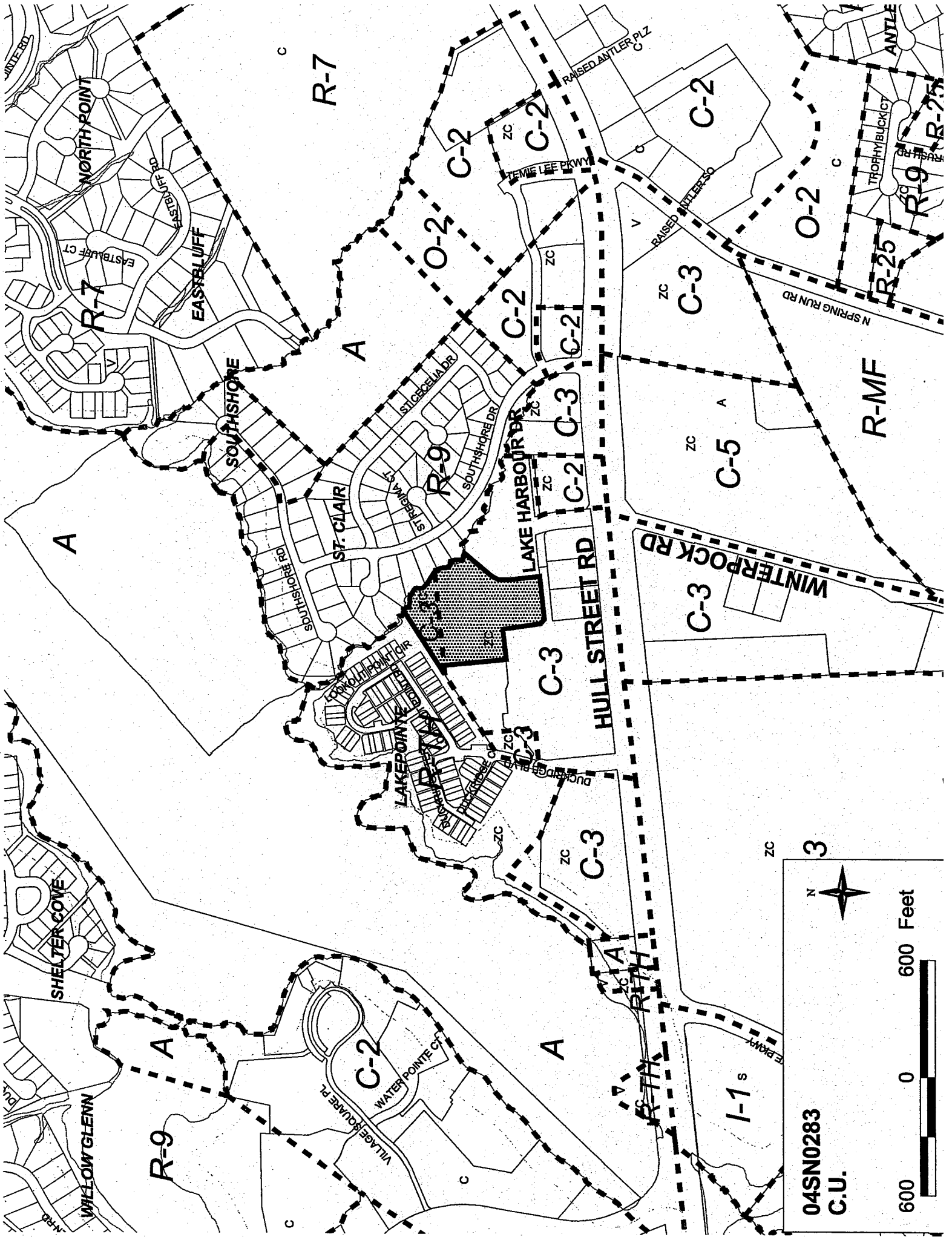
Site Design:

The request property lies within an Emerging Growth District Area. Overall site development, except for outside storage as discussed herein, must comply with the Zoning Ordinance standards for this District which address access, landscaping, setbacks, parking, signs, buffers and screening. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects.

CONCLUSIONS

The request site is located within the Winterpock Crossing Shopping Center. As conditioned, the use should not adversely impact area development.

Given these considerations, approval of this request is recommended.



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C.U.



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